

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

DON RAY WHITE	§	
VS.	§	CIVIL ACTION NO. 9:15cv161
OKWANNA CHIKA, ET AL.	§	

MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Don Ray White, an inmate at the Polunsky Unit, proceeding *pro se*, brought this civil rights suit pursuant to 42 U.S.C. § 1983 against prison officials.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends the action be dismissed as barred by 28 U.S.C. § 1915(g).


The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record and pleadings. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation as well as a motion to amend his complaint. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court concludes plaintiff's objections are without merit. As the magistrate judge determined, plaintiff's allegations are factually insufficient to demonstrate he was in imminent danger of serious physical injury at the time he filed his complaint. Therefore, plaintiff is barred from proceeding *in forma pauperis* in this action pursuant to 28 U.S.C. § 1915(g).

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is

ADOPTED. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

SIGNED this 12th day of August, 2016.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE